

UTILITIES DIVISION[199]

Notice of Intended Action

Proposing rule making related to utility records and providing an opportunity for public comment

The Utilities Board hereby proposes to amend Chapter 18, “Utility Records,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 17A.4, 476.2 and 476.9.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 476.9, 476.31 and 546.7.

Purpose and Summary

The purpose of this rule making is to update and amend the Board’s rules regarding access and retention of utility records. The Board issued an order requesting stakeholder comments on proposed amendments to Chapter 18, the Board’s rules that establish utility record and access standards. The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; Interstate Power and Light Company; MidAmerican Energy Company; and Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, filed comments addressing the proposed amendments.

The Board reviewed the stakeholder comments and proposes the following amendments to the Board’s rules for utility records and access. The amendments are designed to update references to utility record standards and access and update the scope of utilities subject to the provisions of the chapter.

The Board issued an order on July 13, 2018, commencing this rule making. The order provides a full discussion of the proposed amendments. The order is available on the Board’s electronic filing system, efs.iowa.gov, under Docket No. RMU-2016-0034.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. These proposed amendments update and amend existing rules that are required to be followed for retention and access to utility records.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

No waiver provision is included in the proposed amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in this chapter.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on August 21, 2018. Comments should be directed to:

Iowa Utilities Board
Electronic Filing System (EFS) at efs.iowa.gov
Phone: 515.725.7337
Email: efshelpdesk@iub.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 199—18.2(476) as follows:

199—18.2(476) Location of records. All records required by any rules of the board, or necessary for the administration thereof, shall be kept or made accessible within this state unless otherwise authorized by the board. Any transfer of records from a location outside this state to another location outside this state shall also require prior board authorization, but a transfer from outside this state to a locale within this state may be made with only prior notification to the board.

The board is to be notified by each rate-regulated gas utility and electric utility within 30 days of any change in the address, telephone number, or business hours of the utility’s principal office for Iowa operations. A utility providing gas and electric service may designate one principal office for both types of utility operations or a separate principal office for each type of utility operation. Notwithstanding any other provision of these rules, the following books, accounts, papers, and records, or current copies thereof, are required to be maintained or made accessible at the utility’s principal office for Iowa operations:

18.2(1) The utility’s tariffs.

18.2(2) A record of the number and business location of the utility’s administrative, technical, and operating personnel within the state.

18.2(3) The most recent inspection report.

18.2(4) The most recent rate case filing.

18.2(5) Annual reports for the past five years.

18.2(6) Shareholder’s reports for the past five years.

18.2(7) Form IG-1 (gas utilities).

18.2(8) Form IE-1 (electric utilities).

18.2(9) Information regarding the location of other books, records, and accounts required by the board to be maintained by the board or made accessible pursuant to statute or rule.

ITEM 2. Amend subrule 18.4(1) as follows:

18.4(1) Units of property. Electric utilities subject to rate regulation shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Electric Plant in accordance with 199—16.2(476), ~~which adopts the 2000 FERC rules, 18 CFR Part 101, Electric Plant Instructions.~~

ITEM 3. Amend subrule 18.4(2) as follows:

18.4(2) *Preservation of records.* All electric utilities subject to regulation by the board shall preserve the records of their operations in accordance with the provisions of Part 125 of the FERC rules, 18 CFR Part 125, Preservation of Records of Public Utilities and Licensees, as issued on ~~April 1, 2000~~ August 15, 2000. Rate-regulated companies shall further ensure the preservation of records of associated companies, whether or not the associated companies are themselves utilities, as necessary to support the cost of services rendered to the utility by the associated companies.

ITEM 4. Amend subrule 18.5(1) as follows:

18.5(1) *Units of property.* Rural electric cooperatives (RECs) subject to rate regulation by the board shall adopt the RUS rules contained in RUS 7 CFR Part 1767 ~~issued January 1, 2002~~ published May 27, 2008. The REC shall maintain sufficient records to support additions to plant, retirement units, and replacements of electric plant, in accordance with 7 CFR Part 1767.10, Definitions, 7 CFR Part 1767.15, General Instructions, 7 CFR Part 1767.16, Electric Plant Instructions, and 7 CFR Part 1767.20, Plant Accounts.

ITEM 5. Amend subrule 18.5(2) as follows:

18.5(2) *Preservation of records.* Rural electric cooperatives shall preserve the records of their operations in accordance with the provisions of the RUS rules contained in RUS Bulletin 180-2, ~~Manual for Preservation of Borrowers Records (Electric)~~ Record Retention Recommendations for RUS Electric Borrowers, ~~issued June 6, 1972~~ issued June 26, 2003.

ITEM 6. Amend subrule 18.6(1) as follows:

18.6(1) *Units of property.* Gas utilities subject to rate regulation shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Gas Plant in accordance with 199—16.3(476), ~~which adopts the 2000 FERC rules, 18 CFR Part 201, Gas Plant Instructions.~~

ITEM 7. Amend subrule 18.6(2) as follows:

18.6(2) *Preservation of records.* All gas utilities subject to regulation by the board shall preserve the records of their operations in accordance with the provisions of FERC rules, 18 CFR Part 225, Preservation of Records of Natural Gas Companies, as issued ~~April 1, 2000~~ August 15, 2000. Rate-regulated companies shall further ensure the preservation of records of associated companies, whether or not the associated companies are themselves utilities, as necessary to support the cost of services rendered to the utility by the associated companies.

ITEM 8. Amend subrule 18.7(1) as follows:

18.7(1) *Units of property.* Water, sanitary sewage, and storm water drainage utilities subject to rate regulation shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Water Plant in accordance with 199—16.4(476) ~~which adopts the 1996 NARUC uniform systems of accounts for Class A, B, and C water utilities.~~

ITEM 9. Amend subrule 18.7(2) as follows:

18.7(2) *Preservation of records.* All water, sanitary sewage, and storm water drainage utilities subject to regulation by the board shall preserve the records of their operations in accordance with the provisions of the NARUC guidelines: Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities, revised ~~May 1985~~ October 2007 edition. Regulated water, sanitary sewage, and storm water drainage utilities shall further ensure the preservation of records of associated companies, whether or not the associated companies are themselves utilities, as necessary to support the cost of services rendered to the utility by the associated companies.

ITEM 10. Rescind rule 199—18.8(476) and adopt the following **new** rule in lieu thereof:

199—18.8(476) Telephone utilities. All telephone utilities subject to regulation by the board shall preserve the records of their operations in accordance with the provisions of Part 42 of the FCC rules, 47 CFR 42, Preservation of Records of Communication Common Carriers, as issued March 28, 2001.